



**City of Santa Clara
PLANNING COMMISSION
Wednesday, April 23, 2008
7:00 P.M.
CITY COUNCIL CHAMBERS
MINUTES**

Please refer to the Planning Commission Procedural Items coversheet
for information on all procedural matters.

REGULAR ITEMS – 7:00 p.m.

1. PLEDGE OF ALLEGIANCE and INVOCATION

Chairperson Champeny initiated the Pledge of Allegiance and the Invocation was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chairperson Ian Champeny, Vice-Chairperson Todd Fitch, Commissioners Frank Barcells, Teresa O'Neill, Mohammed Sarodi and Keith Stattenfield. Tony Marine was excused.

The following staff was present: Assistant City Attorney Tina Wallis, Director of Planning and Inspection Kevin Riley AICP, City Planner Carol Anne Painter, Civil Engineer II Darrell Mackie and Associate Planner Yen Han Chen.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Mr. Riley advised those present that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division Office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chairperson Champeny reviewed Planning Commission procedures for those present.

5. REQUESTS FOR WITHDRAWALS AND CONTINUANCES WITHOUT A HEARING

Agenda Item #9 Location: 1 Great America Parkway File: PLN208-06835

6. ITEMS FOR COUNCIL ACTION

The following items will be sent forward to the City Council following the conclusion of hearings and recommendations by the Planning Commission:
Agenda Item 10 Location: 1331-1333 Lawrence Expressway

7. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

There were two oral petitions: 1) Kathy Thibodeaux from Fairfield Residential distributed information on how "Fairfield wants to be your neighbor..." and that this was part of Fairfield's public outreach. 2) James Rowen commented that Fairfield should work the neighborhood groups and there is blog "Concern Santa Clara" where people can read on the internet issues and concerns on the project.

8. CONSENT CALENDAR

The following items routine and public hearing items were approved under the Consent Calendar unless otherwise noted.

Routine Items/Consent Calendar

8.A. Planning Commission Minutes of April 9, 2008

Commission Action: Approved as submitted

Public Hearing Items/Consent Calendar

8.B. File: **PLN2008-06967**
Location: 3143 Stevens Creek Boulevard, a 1,353 square foot tenant space within a commercial property located on the northside of Stevens Creek Boulevard, approximately 150 feet west of Winchester Boulevard (APN 303-18-049). Property is Zoned CC (Community Commercial).
Applicant: Reza Javandel for *The Midglen Studio*
Owner: Gorge Sorich Company
Request: **Use Permit** to allow beer and wine service in a new restaurant; **Variance** to allow reduced parking (proposed seating is 48 seats where 21 seats are allowed per Parking Regulations).
Project Planner: Marge Sung, Assistant Planner I

Summary of Discussion:

Commissioner Fitch and O'Neil noted concerns on the number of parking space provided and seats permitted. Ms. Painter explained that conditional use permits are revocable and if there were problems in the future, such items would be brought before the Planning Commission. Commissioner Sarodi asked what business existed at the site that would support a request for third variance. Ms. Painter noted that staff visited the site and the businesses were oriented towards personal services.

Commission Action:

It was moved by Commissioner Fitch, seconded by Commissioner O'Neill and unanimously carried to **approve the Use Permit and Variance**, subject to conditions.

8.C. File: **PLN2008-06985**
Location: 1978 Homestead Road, a 0.73 acre lot located on the southeast corner of Homestead Road and Scott Boulevard (APN 259-24-043). Property is Zoned CN (Neighborhood Commercial).
Applicant/Owners: Jinhie Lee and Hakwoo Lee
Request: **Amendment of Use Permit**; and **Variance** to allow a reduction in parking requirements from 50 spaces to 40 spaces in an existing neighborhood commercial center.
Project Planner: Judith Silva, Associate Planner; Marge Sung, Assistant Planner

Summary of Discussion:

Commissioner Fitch asked who performed the parking survey, and whether the street parking on Scott Blvd and Homestead Road is part of the request. Ms. Painter noted that staff and the applicant completed the parking analysis. It was noted that the applicant's request did not include the off-site parking. Staff provided surrounding conditions as information for the Commission to consider. Commissioner Stattenfield noted that covenant was not filed in 1987 and what controls are in place for other projects to ensure such documents are recorded. Ms. Painter noted that future conditions for projects with covenant should require recordation prior to the issuance of building permits. Alternatively, Ms. Wallis commented that the requirement could be that covenants be recorded within 30 days of the approval. Mr. Riley explained that

the City enforces Variances and that covenants when required are an additional means of noting restrictions on use. In response to Commissioner Sarodi, Ms. Wallis noted that the proposed use permit amendment, if approved, would establish the limits on the amount of retail space allowed at this center, and eliminate the requirement for a covenant at this location.

Commission Action:

It was moved by Commissioner Fitch, seconded by Commissioner Stattenfield and unanimously carried to **approve the Use Permit and Variance**, subject to conditions.

8.D. File: **PLN2006-06871**
Location: 1272 Market Street, a 6,180 square foot parcel, located on the south side of Market Street, approximately 70 feet east of the southeast corner of Market Streets (APN 259-36-038). Property is Zoned R1-6L (Single Family Residential).
Applicants/Owners: Andrea Robichaud
Request: **Variance** to allow one substandard size uncovered parking space where two covered parking spaces are required in conjunction with a 387 square foot rear addition, incorporating a fourth bedroom.
Project Planner: Daniel Vanwie, Assistant Planner I

Commission Action:

It was moved by Commissioner Fitch, seconded by Commissioner Stattenfield and unanimously carried to **approve the Variance**, subject to conditions.

*******End of Consent Calendar*******

8.E. File: **PLN2008-06970**
Location: 1993 Bohannon Drive, a 7,400 square foot parcel located at the north west corner of Bohannon Drive and Newhall Street (APN 269-45-033). Property is Zoned R1-6L (Single Family Residential).
Applicant/Owner: John O'Hurley
Request: **Variance** to legalize an existing nonconforming street side yard fence, built at a 6 foot setback where 15 feet is required.
Project Planner: Daniel Vanwie, Assistant Planner I

This item was removed from Consent Calendar.

Summary of Discussion:

Commissioner O'Neill noted there were concerns from the public on visibility from Bohannon Drive due to location and height of the fence. Chairperson Champeny commented that he drives past the site and is familiar with the location. Mr. Greg Peacock noted that this was the only means to enter the neighborhood from Bohannon Drive. Mr. Peacock noted due to the bend in the roadway drivers cannot see the light. He commented that many drivers exceed the posted 35-mile per hour speed limit and need additional distance and time to stop at the intersection. Mr. Peacock also noted recent accidents at this intersection. Ms. Joan Cabral requested that due to visibility concerns that the fence be relocated. Mr. Peacock submitted photos in support of his request to relocate the fence. Responding to Commissioner O'Neill comment on grading at the site, Mr. Hurley noted that cement was removed and dirt was brought in to level the playing area. Mr. Hurley explained that the fence was built for the safety of his family members. Mr. Hurley commented that he has been working with the City Traffic Engineer, and the fence does not block site visibility. Mr. Hurley noted that he was willing to relocate the fence to provide greater line of site.

Commission Action:

It was moved by Commissioner Barcells to move the fence 3 feet back, seconded by Commissioner Sarodil and unanimously carried to **approve the Variance**, subject to conditions.

CONTINUED ITEMS

9. File: **PLN2008-06835**
 Location: 1 Great America Parkway, a portion of the Great America Theme Park, generally located on the east side of Great America Parkway, south of Tasman Drive (APN 104-41-019).
 Applicant: CA Great America/Cedar Fair
 Owner: City of Santa Clara
 Request: **Variance** for ride height in conjunction with the construction of a 111-foot high wooden coaster.
 Project Planner: Jeff Schwilk, AICP – Associate Planner

This item was Continued under Agenda Item 5. Requests for Withdrawals and Continuances without a Hearing.

The Commission received letter, dated April 23, 2008, from Luce Forward, Attorneys at Law representing Prudential Real Estate Investors, the owners of property at 4555-4559 and 4655-4659 Great America Parkway requesting the item be continued. Bill Lentz of Great America addressed the Commission and requested item to be continued.

Commission Action:

It was moved by Commissioner Barcells, seconded by Commissioner Sarodil and unanimously carried to **continue this item to the May 28, 2008 Planning Commission.**

GENERAL PLAN AMENDMENT/REZONING

10. Files: **PLN2005-05466 (Rezone-BRE); PLN2005-05506 (Rezone-TM); PLN2006-05737 (Tentative Map-TM); PLN2006-05736 (Lot Line Adjustment); PLN2006-05676 (Development Agreement); CEQ2007-01049 (EIR/ SCH#2007102131)**
 Location: 1331-1333 Lawrence Expressway, a 5.83-acre parcel at the northeast corner of Lawrence Expressway and Granada Avenue (APN 290-01-144 and 145). Property is zoned PD (Planned Development)
 Applicant/Owner: BRE Properties / Taylor Morrison of California, LLC
 Request: **Certify Final Environmental Impact Report (EIR); PD Rezoning** to allow construction of 277 rental apartment units; **PD Rezoning and Tentative Subdivision Map** to allow construction of 63 residential units (57 single family, 6 multi-family residential lots and one common lot); **Development Agreement** to vest development rights; **Lot Line Adjustment** to alter the parcel boundary
 Project Planner: Yen Han Chen
 Staff Recommendation: **Certify Final Environmental Impact Report (SCH#2007102131) Recommend Approval, subject to conditions**

Summary of Discussion

Yen Han Chen, Associate Planner, gave an overview of the request while showing visuals of the proposal and surrounding property. He described the Housing Element and General Plan

housing density requirements. He noted the 2001 General Plan Housing Study identified this site, as #53, in the "Under-Utilized Sites Designated for Residential Development, January 1999-December 2010". The Site #53 comprised of 9.3 acres of which 2 acres was developed as Laurel Place 1. The 7.36 acres proposed development is the remainder of Site #53. Mr. Chen indicated that the proposed rental apartments units are not built to condominium standards. There is no proposal for future conversion to condominium apartments by the developer. Mr. Chen explained that the sewer study indicated the need for public works improvements. Mr. Chen requested an adjustment to the Development Agreement and Conditions of Approval to reflect updated cost and controls points and for orderly development.

Commissioner Champheny inquired whether comments from responding agencies on the EIR, specifically traffic were addressed. Mr. Chen described the City's process for comment and responses. He noted that traffic fees on residential projects are not collected unless there is an impact. Commissioner Champheny inquired as to how the traffic numbers were calculated. Mr. Gary Black, City's traffic consultant, explained that there was no need to prepare a traffic impact analysis report because traffic from the project is less than that generated from the existing office development. Mr. Riley noted that the Congesting Management Agency proposes thresholds and that incidental growth is assumed the General Plan. Mr. Chen commented that the environmental report does include approved as well as proposed projects, including Santa Clara Square. Commissioner Stattenfield asked when does a vacant site lose credit of the prior use. Commissioner Sarodi commented that the prior use was Kaiser medical office and the residential project should be improvement in traffic. Ms. Painter described the traffic methodology. Mr. Black noted that that the Lawrence Expressway and El Camino Real intersection is counted frequently. Commissioner O'Neill asked whether all proposed projects are included in the analysis. Mr. Riley noted analysis is not considered on projects when the traffic numbers do not exceed the threshold of 100 peak hour trips. Ms. Painter described cumulative analysis, and that the CMA does annual surveys of regional intersections. Commissioner Barcells noted his concerns over the cumulative effect of other projects proposed and anticipated to develop along the El Camino Real.

Mr. Don Reber from BRE Properties introduced their project team and presented a power point presentation. He gave an overview and history of BRE Properties. He then reviewed key project benefits, such as complying with the City's General Plan; helps fulfill city's housing goals, and providing a variety of housing types. He explained that the BRE portion of the project is to be LEED certified. Ms. Kyrynn Gianotti, from Taylor Morrison Homes, gave an overview and history of the company. She explained that the company was the developer for the Laurel Place I, and the proposed Laurel Place II is the same product type as in phase 1. Ms. Gianotti described the project and noted the project was less dense than Laurel Place 1.

Mr. Reber, explained that BRE / TM held a community meeting on April 1, 2008. In response to community concerns and comments, Mr. Reber noted parking for BRE was at 1.8 spaces per unit where the City requires 1.7 spaces per unit. He explained that Hexagon Consultants parking study confirmed there was sufficient parking for the development. Mr. Reber presented a comparison table for Traffic impacts between Santa Clara Square and Marina Playa Residential Projects. He noted that existing Laurel Place I is approximately 200 feet from the proposed rental complex, and that on site management would coordinate the garbage pickup and move-in activity. Commissioner Stattenfield noted that he attended the community meeting. Mr. Reber confirmed that BRE is not proposing to construct the project using pile driving which was a concern from the neighboring property owners. Mr. Reber explained the product mix for the affordable units is reflective the development. Ms. Gianotti noted that townhouse will be the below market rate housing, which is the approach approved for Laurel Place I.

Mr. Doug Hosking commended the developer in that the proposal is compatible with the neighborhood by using underground parking, lesser visual impact. He noted concerns on traffic

and accident rates as noted by the CHP response to the Draft EIR. He commented on the safety of children at the site due to traffic. He also noted concerns on the suitability of applying Transit-Oriented Mixed Use standards. Mr. Hosking requested that wider notification and posting of environmental documents on the City's website.

Mr. John Reagan stated that the City of Sunnyvale's concerns on cumulative impacts were not adequately addressed. He also inquired as to why the CHP was not notified on Santa Clara Square development. Mr. Reagan noted he was notified for the Planning Commission, but not for the environmental report. He commented that Mr. Reber was cooperative in providing information on the project.

Commissioner Stattenfield asked for an explanation as to why Transit-Oriented Mixed Use did not include a commercial/office component. Mr. Chen reviewed the TMU development standards. Mr. Riley described the concepts for TMU and the need to balance land uses, respecting existing neighborhoods and addressing traffic concerns. Commissioner O'Neill asked for better understanding between jurisdictions on regional issues.

Mr. Riley, responding to Commissioner Stattenfield, noted that the town homes as below market rate homes provide an entry-level affordable product. Commissioner's Fitch and O'Neill noted concerns that the townhouse affordable units were not dispersed throughout the site. Mr. Chen noted the original concept was to have an access road between Laurel Place I and II. There was no intention to set the affordable units back away from the rest of the development. Commissioner Sarodi asked about quality of construction and materials used on the 6 plex town homes. Mr. Chen explained that there is no difference between the products except that the town homes will have tandem parking.

Commissioner Champeny commented on how they can look at this project separately from other proposed projects; and that the City should respond to other agencies to their satisfaction, and that an overall plan should be developed for proposed developments with options. Commissioner Barcells commented that he could not support the project. He stated that the 277 rental units were too much density. He recommended that the development be lowered in height, and the density lowered. Commissioner Sarodi noted concerns that State Agency were requesting traffic impact analysis, but is not opposed to the project.

Commission Action and Recommendations

It was moved by Commissioner Stattenfield, seconded by Commissioner Sarodi to recommend that City Council **Adopt Statement of Overriding Considerations, Certify the Environmental Impact Report; and approval of PD Rezoning** to allow construction of 277 rental apartment units; **PD Rezoning and Tentative Subdivision Map** to allow construction of 63 residential units (57 single family, 6 multi-family residential lots), **and Development Agreement** to vest development rights, **and Lot Line Adjustment** to alter the parcel boundary.

The motion was carried with Champeny, Fitch, O'Neill, Saradi, and Stattenfield in favor with Barcells dissenting.

Mr. Riley advised those present that this project will be forwarded to the May 13, 2008 City Council for consideration.

11. OTHER BUSINESS

Commission Procedures and Staff Communications

Public comment on these items may be limited to one minute, at discretion of the Chair

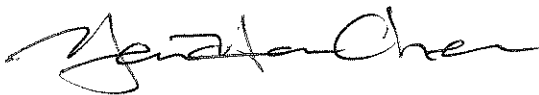
- a. Announcements/Other Items
- b. Report of the Director of Planning and Inspection
 - City Council actions
 - Commission/Board Liaison and Committee Report

- Commission/Committee Assignments
 - Architectural Committee: Commissioners Marine and Stattenfield (Sarodi and Barcells alternates)
 - Station Area Plan: Chairperson Champeny
 - General Plan sub-Committee: Commissioners Fitch and O'Neill – Ms. Painter commented that an extensive GP outreach was underway and noted the deadline of May 23 to receive applications to serve on the GP Committee.
- c. Commission Procedures
 - Planning Procedures
 - Work plan items

12. ADJOURNMENT

As there was no further business, the meeting was adjourned at 10:50 p.m.

Respectfully submitted:



Yen Han Chen
Associate Planner

Approved:



Carol Anne Painter
City Planner

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